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JUN 23 2005

In re Application of	:	OFFICE OF PETITIONS
Fabbrizio, et al.	:	DECISION REFUSING STATUS
Application No. 10/631,323	:	UNDER 37 CFR 1.47(a)
Filed: July 31, 2004	:	
Atty. Dkt. No.: 850063.603RI	:	
For: LOW-VOLTAGE, VERY-LOW-	:	
POWER CONDUCTANCE MODE NEURON	:	
	:	

This decision is in response to the petition under 37 CFR 1.47(a), filed May 19, 2005.

The petition is **DISMISSED**.

Rule 47 applicant is given TWO MONTHS from the mailing date of this decision to reply, correcting the below-noted deficiencies. Any reply should be entitled "Request for Reconsideration of Petition Under 37 CFR 1.47(a)," and should only address the deficiencies noted below, except that the reply may include an oath or declaration executed by the legal representative of the deceased inventor. Failure to respond will result in abandonment of the application. Any extensions of time will be governed by 37 CFR 1.136(a).

The above-identified application was filed July 31, 2004 without an executed oath or declaration. Accordingly, a Notice to File Missing Parts of Nonprovisional Application was mailed November 19, 2004 requiring, *inter alia*, an executed oath or declaration and a surcharge.

A grantable petition under 37 CFR 1.47(a) requires: (1) proof that the non-signing inventor cannot be reached or refuses to sign the oath or declaration after having been presented with the application papers (specification, claims and drawings); (2) an acceptable oath or declaration in compliance with 35 U.S.C. §§ 115 and 116; (3) the petition fee; and (4) a statement of the last known address of the non-signing inventor.

The instant petition fails to satisfy requirement (1) set forth above. Petitioners state that inventor Gianluca Colli cannot be reached to execute the declaration. The declaration of Janice Kniep indicates that the application papers were mailed to the non-signing inventor at the non-signing inventor's last known address on May 12, 2005 and that no response to the correspondence or telephone calls to the non-signing inventor's last known telephone numbers has been received from the non-signing inventor.

Petitioners are reminded that before it is alleged that an inventor cannot be reached or located, petitioners are required to demonstrate that diligent effort has been exerted to locate the non-signing inventor for presentation of a complete copy of the application papers (specification, including claims, drawings, and oath or declaration).

Petitioners have set forth no details of any efforts that have been made to locate the inventor. Further, a cursory review of the Lexis®.com EZFIND Combined Person Locator Nationwide database revealed that Gianluca Colli more recently resided at 1543 Fordham Court, Mountain View, CA 94040.

Any renewed petition must be supported by evidence that sufficiently establishes that despite diligent effort, the non-signing inventor cannot be located. A statement of facts should be submitted that fully describes the exact facts that are relied on to establish that a *diligent effort* was made to locate the non-signing inventor. The statement of facts must be signed, where at all possible, by a person having *firsthand knowledge* of the facts recited therein. Statements based on hearsay, will not normally be accepted. At the very least, a search of the internet, human resource records, telephone directories, etc. should be undertaken in regions where it is suspected the non-signing inventors may reside. Petitioners should reference and supply evidence of any such searches in a renewed petition. See, MPEP 409.03(d).

Further correspondence with respect to this matter should be addressed as follows:

By mail:

Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450


By facsimile:

(703) 872-9306

By hand:

U.S. Patent and Trademark Office
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Mail Stop Petition
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401 Dulany Street
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Telephone inquiries regarding this decision should be directed
to the undersigned at (571) 272-3205.



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